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MICHAELSON & ASSOCIATES
P.O. BOX 8489
RED BANK, NJ 07701-8489

EXAMINER	
TURNER, ASHLEY D	
ART UNIT	PAPER NUMBER
2454	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,570	SELGERT, FRANKLIN	
	Examiner	Art Unit	
	ASHLEY D. TURNER	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/15/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-13 are rejected under 35 U.S.C. 102 (b) as being anticipated by Palaniappan et al hereinafter Palaniappan (US 6,711,557 B1).

Regarding claim 14

Referring to claim 14 Palaniappan discloses an apparatus for one of a plurality of user terminals adapted for use within a network and by a user, the network connecting said one user terminal with a server, the one user terminal comprising: means for mutually interacting with the server via the network; and means for setting, by the user, local user Preferences valid for the one terminal itself and non-local user preferences valid for the network, the local user preferences being stored within the one user terminal and used in configuring operation of the one user terminal for use by the user, and the non-local

user preferences being communicated, by the one user terminal and the network to the server, for storage by the server and for use in configuring operation of the network as required by the one user terminal for use by the user. (Col.4 lines 26-41 In one implementation, available updates are handled by the application to which they relate. Thus, when the process determines that an update is available, the corresponding application is notified on the client machine (step 260). The background process can do this by setting a flag in the database that the application examines at a time selected by the application, such as when the application next is executed, by sending a message to the application, or otherwise. The application controls when to handle an available update and whether to ask the user before downloading and installing the update. One particular kind of update is a library file or other shared resource, which may be applicable to more than one application. The process determines if any new shared resources may be wanted for any of the registered applications and, if so, notifies each application.) (Col. 8 lines 11-15 The client machine can be any digital electronic device configured for program installation and execution, including, by way of example, desktop and laptop personal computers, personal digital assistants, and web-enabled mobile telephones. Accordingly, other embodiments are within the scope of the following claims.)

Regarding claim 15

Referring to claim 15 Palaniappan discloses all the limitations of claim 15 described above. Palaniappan also discloses downloads a preferences setting file from the server to the one user terminal; completes the preferences setting file with input, from the user and provided via a user interface on the one user terminal, with the local and non-local user preferences for the user so as to define a completed preferences setting file having completed local and non-local preferences; and uploads said preferences setting file to the server. (Col.2 lines 9-26 One or more servers remote from the client machine can communicate with the client machine over the Internet, and each server maintains meta-information concerning at least one of the multiple registered applications. The process executes periodically and at that time downloads from one or more of the servers, according to what applications are registered with the process, meta-information specifying what are the current versions of all components each registered application requires. The process also compares the downloaded meta-information with information obtained on the client machine to identify any registered application for which an update should be performed and sends a notification that an update should be performed to each identified application. The registered applications have programming that can receive a notification from the process running on the client machine and to cause an update to be performed in response to the notification.)

Regarding claim 16

Referring to claim 16 Palaniappan discloses all the limitations of claim 16 described above. Palaniappan also discloses wherein the setting means assigns one or more preference groups to the completed local and non-local preferences such that each of the 4 completed local and non-local preferences is associated with one or more of the preference groups. (Col.3 lines 54-67 and Col. 4 lines 1-2 As shown in FIG. 2, the background process 70 (FIG. 1) on the client machine wakes up periodically and performs a procedure 200 that contacts the server machine (or some substitute, such as a mirror site) over the Internet (step 210). The event that wakes up the process can be the passage of a time interval or some other occurrence. Generally, a time interval will be set by a user, such as once a week after a particular time on a particular day of the week. The process downloads meta-information (step 230) from all web sites identified by registered applications, if any, or from a known or default site. In one implementation, the meta-information is downloaded in the form of an XML file that contains information about all applications participating the background updating process (whether or not they are registered on a particular client machine) that are known to the source web site. Alternatively, the information can be in the form of one or more XML files each specific to a particular vendor and containing information about the participating applications of the vendor.)

Regarding claim 17

Referring to claim 17 Palaniappan discloses all the limitations of claim 17 described above. Palaniappan also discloses selects, by the user via the user interface, one group from the preference groups so as to define a selected preference group; retrieves, by the server, those ones of the local and non-local preferences which are associated with the selected preference group; and activates both the operation of the one user terminal, based on the local preferences associated with the selected preference group, and the operation of the network or the server, based on the non-local preferences associated with the selected preference group. (Col.1 lines 14-30 When an update is available over the Internet, the user must generally access the relevant web site (i.e., site on the World Wide Web), choose to download an installer application and then run the installer. The user typically lets the installer determine whether or not any new material is applicable to the user's machine. When an update is available on traditional media such as a CD, the same process is required, except there is no downloading step. There are a number of problems with the current method for providing users with software updates. First, users must know when an update is available and how to obtain the update. Second, once users become aware that an update is available, they may be unsure of whether or not they need the proffered update and may go through the time consuming process of running the installer program without any need to do so. Third, providing updates on traditional media has its own problems: most importantly, the significant cost of manufacturing and distributing the updates to users.)

Regarding claim 18

Referring to claim 18 Palaniappan discloses all the limitations of claim 18 described above. Palaniappan also discloses wherein the one user terminal comprises an Application Program Interface for activating the operation of the one user terminal based on the local preferences in the selected preference group. (Col.1 lines 14-30 When an update is available over the Internet, the user must generally access the relevant web site (i.e., site on the World Wide Web), choose to download an installer application and then run the installer. The user typically lets the installer determine whether or not any new material is applicable to the user's machine. When an update is available on traditional media such as a CD, the same process is required, except there is no downloading step. There are a number of problems with the current method for providing users with software updates. First, users must know when an update is available and how to obtain the update. Second, once users become aware that an update is available, they may be unsure of whether or not they need the proffered update and may go through the time consuming process of running the installer program without any need to do so. Third, providing updates on traditional media has its own problems: most importantly, the significant cost of manufacturing and distributing the updates to users.)

Regarding claim 19

Referring to claim 19 Palaniappan discloses all the limitations of claim 19 described above. Palaniappan also discloses wherein the network comprises an Application Program Interface for activating the operation of the network based on the non-local preferences in the selected preference group. (Col. 2 lines 57-67 and Col.1-13 As shown in FIG. 1, one or more applications 50 (shown as 50a, 50b, . . .) that support client-based update monitoring are installed on client machine 10 and register themselves with an update monitoring process 70 that runs in the background on the client machine. The applications 50 (or their installation processes) each register with the monitoring process, causing an entry to be added to a client-machine-resident database 60 identifying the application, the language of the application (such as English or French), and the location on the client machine of the one or more components of the application. In one implementation, the resident database is simply a data file that stores the information about the participating applications in Extensible Markup Language (XML) format. However, the database can be stored and maintained using a data base management system or any other convenient technology. The resident database can be stored on any non-volatile memory local to the client machine, such as on a disk drive directly connected to the client machine or on a disk drive that is local to the client machine, for example, a disk drive in a server coupled to the client machine by a local area network. Similarly, the applications 50 can be installed on a drive directly connected to the client machine or on a server on a local area network.)

Regarding claim 20

Referring to claim 20 Palaniappan discloses An information system comprising: a network connecting a plurality of user terminals and a server, one of the user terminals, for use by a user, and the server each having means for mutually interacting with each other via the network; and means, within the one user terminal, for setting, by the user through said one user terminal, local user preferences valid for the one terminal itself and non-local user preferences valid for the network, the local user preferences being stored within the one user terminal and used in configuring operation of the one user terminal for use by the user, and the non: local user preferences being communicated, by the one user terminal and the network to the server, for storage by the server and for use in configuring operation of the network as required by the one user terminal for use by the user. (Col. 2 lines 57-67 and Col.1-13 As shown in FIG. 1, one or more applications 50 (shown as 50a, 50b, . . .) that support client-based update monitoring are installed on client machine 10 and register themselves with an update monitoring process 70 that runs in the background on the client machine. The applications 50 (or their installation processes) each register with the monitoring process, causing an entry to be added to a client-machine-resident database 60 identifying the application, the language of the application (such as English or

French), and the location on the client machine of the one or more components of the application. In one implementation, the resident database is simply a data file that stores the information about the participating applications in Extensible Markup Language (XML) format. However, the database can be stored and maintained using a data base management system or any other convenient technology. The resident database can be stored on any non-volatile memory local to the client machine, such as on a disk drive directly connected to the client machine or on a disk drive that is local to the client machine, for example, a disk drive in a server coupled to the client machine by a local area network. Similarly, the applications 50 can be installed on a drive directly connected to the client machine or on a server on a local area network.)

Regarding claim 21

Referring to claim 21 Palaniappan discloses all the limitations of claim 21 described above. Palaniappan also discloses downloads a preferences setting file from the server to the one user terminal; completes the preferences setting file with input, from the user and provided via a user interface on the one user terminal, with the local and non-local user preferences for the user so as to define a completed preferences setting file having completed local and non-local preferences; and uploads said preferences setting file to

the server. (Col.3 lines 13-26 Registered applications 50 include or invoke programming that implements registration and other features of the updating process that will be described later. In one implementation, this common, client-side programming is in the form of a shared library, such as a Microsoft Windows.TM. dynamic link library (DLL). Generally, this shared component will include code that allows it to update itself, either automatically or in response to a user action. The shared component can make itself available to a user of an application by adding a command to a menu, such as the help menu of the application. Selecting the command causes a user interface window to open through which the user can set preferences and otherwise control operation of the update monitoring feature.)

Regarding claim 22

Referring to claim 22 Palaniappan discloses all the limitations of claim 22 described above. Palaniappan also discloses wherein the setting means assigns one or more preference groups to the completed local and non-local preferences such that each 4 of the completed local and non-local preferences is associated 5 with one or more of the preference groups.

Regarding claim 23

Referring to claim 23 Palaniappan discloses all the limitations of claim 23 described above. Palaniappan also discloses selects, by the user via the user interface, one group from 4 the preference groups so as to define a selected preference group; retrieves, by the server, those ones of the local and non-local preferences which are associated with the selected preference group; and activates both the operation of the one user terminal, based on the local preferences associated with the selected preference II group, and the operation of the network or the server, based on the non-local preferences associated with the selected preference group. (Col. 2 lines 57-67 and Col.1-13 As shown in FIG. 1, one or more applications 50 (shown as 50a, 50b, . . .) that support client-based update monitoring are installed on client machine 10 and register themselves with an update monitoring process 70 that runs in the background on the client machine. The applications 50 (or their installation processes) each register with the monitoring process, causing an entry to be added to a client-machine-resident database 60 identifying the application, the language of the application (such as English or French), and the location on the client machine of the one or more components of the application. In one implementation, the resident database is simply a data file that stores the information about the participating applications in Extensible Markup Language (XML) format. However, the database can be stored and maintained using a data base management system or any other convenient technology. The resident database can be stored on any non-volatile memory local to the client machine, such as on a disk drive directly connected to the client machine or on a disk drive that is local to the

client machine, for example, a disk drive in a server coupled to the client machine by a local area network. Similarly, the applications 50 can be installed on a drive directly connected to the client machine or on a server on a local area network.)

Regarding claim 24

Referring to claim 24 Palaniappan discloses all the limitations of claim 24 described above. Palaniappan also discloses wherein the one user terminal comprises an Application Program Interface for activating the operation of the one user terminal based on the local preferences in the selected preference group. (Col.2 lines 9-26 One or more servers remote from the client machine can communicate with the client machine over the Internet, and each server maintains meta-information concerning at least one of the multiple registered applications. The process executes periodically and at that time downloads from one or more of the servers, according to what applications are registered with the process, meta-information specifying what are the current versions of all components each registered application requires. The process also compares the downloaded meta-information with information obtained on the client machine to identify any registered application for which an update should be performed and sends a notification that an update should be performed to each identified application. The registered applications have programming that can receive a

notification from the process running on the client machine and to cause an update to be performed in response to the notification.)

Regarding claim 25

Referring to claim 25 Palaniappan discloses all the limitations of claim 25 described above. Palaniappan also discloses wherein the network comprises an Application Program Interface for activating the operation of the network based on the non-local preferences in the selected preference group. (Col.2 lines 9-26 One or more servers remote from the client machine can communicate with the client machine over the Internet, and each server maintains meta-information concerning at least one of the multiple registered applications. The process executes periodically and at that time downloads from one or more of the servers, according to what applications are registered with the process, meta-information specifying what are the current versions of all components each registered application requires. The process also compares the downloaded meta-information with information obtained on the client machine to identify any registered application for which an update should be performed and sends a notification that an update should be performed to each identified application. The registered applications have programming that can receive a notification from the process running on the client machine and to cause an update to be performed in response to the notification.)

Regarding claim 26

Referring to claim 26 Palaniappan discloses a method for use in an information system, the information system having a network connecting a plurality of user terminals and a server, one of the user terminals, for use by a user, and the server each having means for mutually interacting with each other via the network; the method comprising the step of: setting, by the user through the one user terminal, local user preferences valid for the one terminal itself and non-local user preferences valid for the network, the local user preferences being stored within the one user terminal and used in configuring operation of the one user terminal for use by the user, and the non-local user preferences being communicated, by the one user terminal and the network to the server, for storage by the server and for use in configuring operation of the network as required by the one user terminal for use by the user; and wherein the setting step comprises the steps of: downloading a preferences setting file from the server to the one user terminal; completing the preferences setting file with input, from the user and provided via a user interface on the one user terminal, with the local and non-local user preferences for the user so as to define a completed preferences setting file having completed local and non-local preferences; and uploading said preferences setting file to the server. (Col. 2 lines 57-67 and Col.1-13 As shown in FIG. 1, one or more applications 50 (shown as 50a, 50b, . . .) that support client-based update monitoring are installed on client

machine 10 and register themselves with an update monitoring process 70 that runs in the background on the client machine. The applications 50 (or their installation processes) each register with the monitoring process, causing an entry to be added to a client-machine-resident database 60 identifying the application, the language of the application (such as English or French), and the location on the client machine of the one or more components of the application. In one implementation, the resident database is simply a data file that stores the information about the participating applications in Extensible Markup Language (XML) format. However, the database can be stored and maintained using a data base management system or any other convenient technology. The resident database can be stored on any non-volatile memory local to the client machine, such as on a disk drive directly connected to the client machine or on a disk drive that is local to the client machine, for example, a disk drive in a server coupled to the client machine by a local area network. Similarly, the applications 50 can be installed on a drive directly connected to the client machine or on a server on a local area network.)

Regarding claim 27

Referring to claim 27 Palaniappan discloses all the limitations of claim 27 described above. Palaniappan also discloses wherein the setting step further comprises the step of assigning one or more preference groups to the completed local and non-local

preferences such that each of the completed local and non-local preferences is associated with one or more of the preference groups. (Col.2 lines 9-26 One or more servers remote from the client machine can communicate with the client machine over the Internet, and each server maintains meta-information concerning at least one of the multiple registered applications. The process executes periodically and at that time downloads from one or more of the servers, according to what applications are registered with the process, meta-information specifying what are the current versions of all components each registered application requires. The process also compares the downloaded meta-information with information obtained on the client machine to identify any registered application for which an update should be performed and sends a notification that an update should be performed to each identified application. The registered applications have programming that can receive a notification from the process running on the client machine and to cause an update to be performed in response to the notification.)

Regarding claim 28

Referring to claim 28 Palaniappan discloses all the limitations of claim 28 described above. Palaniappan also discloses wherein the setting step further comprises the steps of: selecting, by the user via the user interface, one group from the preference groups so as to define a selected preference group; retrieving, by the server, those ones of the

local and non-local preferences which are associated with the selected preference group; and activating both the operation of the one user terminal, based on the local preferences associated with the selected preference group, and the operation of the network or the server, based on the non-local preferences associated with the selected preference group. (Col. 2 lines 57-67 and Col.1-13 As shown in FIG. 1, one or more applications 50 (shown as 50a, 50b, . . .) that support client-based update monitoring are 3installed on client machine 10 and register themselves with an update monitoring process 70 that runs in the background on the client machine. The applications 50 (or their installation processes) each register with the monitoring process, causing an entry to be added to a client-machine-resident database 60 identifying the application, the language of the application (such as English or French), and the location on the client machine of the one or more components of the application. In one implementation, the resident database is simply a data file that stores the information about the participating applications in Extensible Markup Language (XML) format. However, the database can be stored and maintained using a data base management system or any other convenient technology. The resident database can be stored on any non-volatile memory local to the client machine, such as on a disk drive directly connected to the client machine or on a disk drive that is local to the client machine, for example, a disk drive in a server coupled to the client machine by a local area network. Similarly, the applications 50 can be installed on a drive directly connected to the client machine or on a server on a local area network.)

Response to Arguments

Applicant's arguments filed on 9/24/2008 have been fully considered but they are deemed moot in view of the new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashley d. Turner whose telephone number is 571-270-1603. The examiner can normally be reached on Monday thru Friday 7:30a.m. - 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2603.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner: Supervisory Patent Examiner

_____ _____
Ashley Turner Nathan Flynn

Date: _____ Date: _____

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454